

WASHINGTON STATE  
EXECUTIVE ETHICS BOARD  
2425 Bristol Court SW – 1<sup>st</sup> Floor Conference Room 148 – Olympia, WA

April 14, 2006  
Regular Meeting Minutes

**A. Preliminary Business**

**1. Roll Call**

The regular meeting of the Washington State Executive Ethics Board (EEB) was called to order by Vice Chair Evelyn Yenson at 9:00 a.m. Also present were Members Neil Gorrell and Judy Golberg. Member Paul Zellinsky was present via telephone and Chair Trish Akana was excused. Board staff in attendance included: Executive Director Susan Harris, Senior Assistant Attorney General Linda Moran, Assistant Attorney General Mike Tribble, Administrative Officer Ruthann Bryant and Investigators Nancy Lewin and Sue Jones.

**2. Approval of Agenda**

**Motion 06-026** Moved by Member Golberg, seconded by Member Gorrell:

**The Board approves the April 14, 2006 agenda.**

The motion passed unanimously.

**3. Approval of March 10, 2006 Minutes**

**Motion 06-027** Moved by Member Golberg, seconded by Member Gorrell:

**The Board approves the March 10, 2006 minutes as written.**

The motion passed unanimously.

**B. Advisory Opinion Requests**

**1. Review and possible approval of amended Advisory Opinion 01-02**

Susan Harris presented a draft amended Advisory Opinion 01-02, Membership in Non-State Organizations that are Affected by State Agency Decisions, which incorporates changes brought forward at the March 10, 2006 meeting. She briefly discussed each of the changes.

Member Gorrell suggested adding quotes around the word “persons” on page two, paragraph 3 and requested adding “by itself” after “card-carrying member” both on page one, paragraph 2 and on page four, second paragraph.

The Board concurred with the changes and directed staff to finalize the opinion.

**2. Can a state employee use the electricity from a power outlet at a state owned or leased facility to charge a personal electric vehicle that is used to commute to work?**

Ms. Harris also presented a request for an advisory opinion on whether a state employee can use the electricity at a state owned or leased facility to charge a personal electric vehicle. She also summarized Executive Order 05-01, Establishing Sustainability and Efficiency Goals for State Operations. The Executive Order requires that all new state buildings be certified to the U.S. Green Building council Leadership in Energy and Environmental Design (Silver Standard) or the Washington State Department of General Administration. To obtain this certification, new state buildings include electrical power outlets in the parking lots. However, the order speaks to state vehicles and does not address the issue of personal all electric vehicles. She also discussed the Commuter Trip Reduction program and noted that King County was faced with a similar issue in February and has developed a pilot program.

Department of Transportation's facilities coordinator, Michele Brady, discussed DOT's policies regarding the 18 spots designated for car pool vehicles at the Tumwater building and provided background on the request. She noted that DOT has also considered the issue of reimbursement. DOT's ethics advisor, Steve McKerney was also present.

The employee, Mr. Jerald Dodson, addressed the Board and estimated that it would cost the state 80 cents per day for him to plug in his vehicle. He also thanked the Board for their consideration.

The Board commended Mr. Dodson for his efforts and, after a lengthy discussion, requested that staff work with DOT, the Department of General Administration and legal counsel to gather more information and bring the matter to a future meeting.

**C. Staff Reports**

**1. Executive Director's Report**

Susan Harris announced that it was Linda Moran's final meeting as the Board's counsel since Linda was transferred to the position as Division Chief in the Tacoma office. She thanked Linda for her assistance, hard work and dedication. Vice Chair Evelyn Yenson thanked Linda on behalf of the Board and Member Zellinsky expressed his appreciation and wished Linda the very best in the future.

Linda thanked the Board for their support and noted that Nancy Krier would be taking over as the Board's advisor.

Ms. Harris briefly summarized quarterly progress on the strategic plan highlighting accomplishments in the website, preparations for the upcoming ethics conference and training. She also introduced Wally Vlasak, who has contracted with the Department of Personnel to provide Ethics training around the state. Mr. Vlasak currently has 74 trainings scheduled through June 2007. She also discussed the current budget and the status of current cases.

Ms. Harris also reported on EEB's division visit by Attorney General Rob McKenna. Staff and Chair Akana sat with General McKenna and discussed case load and accomplishments of the past year. Chair Akana requested that the Board's annual report be incorporated into the Attorney General's annual report in the future.

Ms. Harris reported on preparations for the July retreat and priority items for discussion. Member Gorrell requested that Open Public Meetings, Executive/Closed session and member voting be added to the discussion list. Ms. Harris noted that Member Zellinsky's term will be ending in September and recruitment for a new member is a priority.

## **2. Other Staff Reports**

Assistant Attorney General Mike Tribble updated the Board on discussions with the State Auditor's Office regarding investigations of Whistleblower complaints.

## **D. Public Comment/Board Member Comments**

Nancy Kennedy, with the American Federation of Teachers, inquired about the upcoming opening on the Board.

## **E. Executive or Closed Session**

At 10:35 a.m. the Board moved into Closed Session to discuss potential litigation and deliberate and to receive and evaluate complaints against state employees and officers. At 11:30 a.m. the Board came back into regular session and adjourned until 1:00 p.m.

## **F. Enforcement**

Administrative Law Judge Cindy Burdue presided over the enforcement hearing of Lisa Bird Rolfs, EEB Case No. 03-023 for alleged violations of RCW 42.52.160 when she used her state computer to send email to the 179 Department of Retirement Services member employees relating to Washington Public Employees Association business.

Judge Burdue introduced Board staff Assistant Attorney General Mike Tribble and Attorney Lawrence Schwerin, representing Ms. Bird Rolfs. She also introduced Board members and staff and briefly discussed the enforcement hearing process.

Mike Tribble summarized the case against Lisa Bird Rolfs in his opening statement and, relying on the documents presented and Exhibits in evidence, did not call any witnesses. Mr. Tribble argued that Ms. Bird Rolfs' actions went beyond the scope of allowable activities and was not related to the negotiation or administration of the Collective Bargaining Agreement.

Mr. Schwerin also made an opening statement and called Lisa Bird Rolfs to testify. Ms. Bird Rolfs was the job representative for the Washington Public Employees Association member of the Department of Retirement Services, as well as the chapter president. She stated that she believes forwarding the emails was within the guidelines of the Collecting Bargaining Agreement because she was engaged in the "maintenance," or "administration" of the contract. She added that although she did not receive prior approval from her supervisor before forwarding the emails, she did ask the WPEA representative if sending the email to the 179 member employees would be acceptable, and was told it was.

Following closing argument, Judge Burdue concluded the hearing at 3:45 p.m.

#### **G. Miscellaneous Matters/Adjournment**

There being no miscellaneous matters, the meeting was adjourned at 3:46 p.m.

Approved by the Board 05/12/06